

To:

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WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year) 02.06.2004

Applicant's or agent's file reference
08241-106

REPLY DUE within 1 month(s) and 15 days
from the above date of mailing

International application No.
PCT/CA 03/00980

International filing date (day/month/year)
27.06.2003

Priority date (day/month/year)
05.07.2002

International Patent Classification (IPC) or both national classification and IPC
G10L19/14, G10L19/14

Applicant
VOICEAGE CORPORATION ET AL.

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☐ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 05.11.2004

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-38 as originally filed

Claims, Numbers

2-5, 7 as originally filed

1, 6, 8-36 filed with telefax on 23.12.2003

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 37-46
- ☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been and will not be examined in respect of:

☐ the entire international application,

☒ claims Nos. 1-36

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-36 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A written opinion cannot be drawn due to the failure of the nucleotide and/or amino acid sequence listing to comply with the Standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

- 1 The application does not meet the requirements of Article 6 PCT, because claims 1-36 in their entity do not meet the requirement of conciseness:
 - 1.1 According to Rule 6.1(a) PCT, the number of claims shall be reasonable in consideration of the nature of the invention claimed. Although claims 1, 9, and 14 have been drafted as separate, independent method claims, they relate effectively to the same subject-matter and differ from each other only with regard to the definition of the subject-matter for which protection is sought. In particular, claim 9 contains all the technical features of claim 1. The subject-matter of claim 14 differs from the scope of claim 1 only in that a "method of transmission" is disclosed instead of a "method of interoperability". However, the term "method of interoperability" is considered as comprising a method of transmission, since no interoperability in communication schemes would be applicable without transmission of data.
 - 1.2 Independent system claims 19, 27, and 32 correspond to method claims 1, 9, and 14. Therefore, the same objections than for the latter claims apply also for claims 19, 27, and 32.
 - 1.3 In view of the above objection it is not at present practicable to carry out a full examination. The applicant is therefore requested to file an amended set of claims.
- 2 When drafting an amended set of claims, an amended claims could be based on the wording of independent claim 9 because it appears to represent best the nature of the invention for which protection is sought.